

PTO/SB/64 (10-05)
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	FOR REVIVAL OF AN APPLICATION FOR NED UNINTENTIONALLY UNDER 37 CFR		Docket Number (Optional) 17570
First named	inventor: John Carter		
Application I	No.: 10/716,194	Art Unit: NA	
Filed: Novem		Examiner: NA	
Title: DEVICE	S, SYSTEMS AND METHODS FOR SELECTING THE APPEARAN	ICE OF A VIEWER D	ISPLAYING DIGITAL CONTENT
Mail Stop P Commission P.O. Box 14 Alexandria,	ner for Patents 50 VA 22313-1450		
FAX (571) 2	NOTE: If information or assistance is needed in comparison at (571) 272-3282.	oleting this form, p	please contact Petitions
action by the	identified application became abandoned for failure to be United States Patent and Trademark Office. The dat beriod set for reply in the office notice or action plus an	e of abandonmen	nt is the day after the expiration
•	APPLICANT HEREBY PETITIONS FOR REVIV	/AL OF THIS API	PLICATION
	NOTE: A grantable petition requires the following item (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - refiled before June 8, 1995; and for all desig (4) Statement that the entire delay was uninte	equired for all utili n applications; ar	
	e Il entity-fee \$ <u>750</u> (37 CFR 1.17(m)). Applicant c er than small entity – fee \$ (37 CFR 1.1		status. See 37 CFR 1.27.
2. Reply and A.	The reply and/or fee to the above-noted Office action	in(ident	ify type of reply):
	has been filed previously onis enclosed herewith.	·	
В.	The issue fee and publication fee (if applicable) of \$  has been paid previously on  is enclosed herewith.		

[Page 1 of 2]
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/25/2006 SLUANG1 00000005 1071619 you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Terminal disclaimer with disclaimer fee						
Since this utility/plant application was filed on or after June 8, 1995	, no terminal disclaimer is required.					
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$	for a small entity or \$					
for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).						
4. STATEMENT: The entire delay in filing the required reply from the due of filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [I Trademark Office may require additional information if there is a question abandonment or the delay in filing a petition under 37 CFR 1.137(b) was subsections (III)(C) and (D)).]	NOTE: The United States Patent and on as to whether either the					
WARNING:						
Petitioner/applicant is cautioned to avoid submitting personal information in doccontribute to identity theft. Personal information such as social security numl numbers (other than a check or credit card authorization form PTO-2038 submitte the USPTO to support a petition or an application. If this type of personal information USPTO, petitioners/applicants should consider redacting such personal information to the USPTO. Petitioner/applicant is advised that the record of a patent application from the application (unless a non-publication request in compliance with 37 CFR 1.3 of a patent. Furthermore, the record from an abandoned application may also be referenced in a published application or an issued patent (see 37 CFR 1.14). Che 2038 submitted for payment purposes are not retained in the application file and the	pers, bank account numbers, or credit card of for payment purposes) is never required by ion is included in documents submitted to the from the documents before submitting them it ion is available to the public after publication 213(a) is made in the application) or issuance be available to the public if the application is ecks and credit card authorization forms PTO-					
3	05/23/2000					
Signature	Date					
Signature	Date					
MATTHEW BURR	37,591					
Typed or printed name	Registration Number, if applicable					
2219 WESTLAKE DRIVE, STE. 200	512-320-0601					
Address	Telephone Number					
AUSTIN, TEXAS 78746 Address						
Enclosures:  Fee Payment						
Reply						
Terminal Disclaimer Form						
Additional sheets containing statements establishing u	nintentional delay					
Other:						
CERTIFICATE OF MAILING OR TRANSMISSIO	N (37 CEP 1 8/2))					
I hereby certify that this correspondence is being:  Deposited with the United States Postal Service on the date postage as first class mail in an envelope addressed to: Ma Patents, P. O. Box 1450, Alexandria, VA 22313-1450.  Transmitted by facsimile on the date shown below to the Ur Office as (571) 273-8300.	e shown below with sufficient il Stop Petition, Commissioner for					
Date	Signature					
John Mille						
Typed or printed na	ame of person signing certificate					

## PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINITENTIONALLY UNDER 37 CFR 1.137 (b)

First Named Inventor:

John Carter

Art Unit: NA

Application No.:

10/716,194

Examiner: NA

Title: DEVICES, SYSTEMS AND METHODS FOR SELECTING THE APPEARANCE

OF A VIEWER DISPLAYING DIGITAL CONTENT

#### Statement Establishing Unintentional Delay

The captioned patent application became abandoned on December 1, 2004, as the result of the unintentional failure to submit the Missing Parts before the expiration of the deadline to do so in reply to a Notice to File Missing Parts. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional.

This petition is accompanied by the reply to the Notice to File Missing Parts, together with all the necessary fees for an applicant claiming small entity status, including the original filing fee, the late oath or declaration surcharge, the fee for a five (5) month extension of time, and the fee for this petition.

The Missing Parts were due 27 April, 2004, in response to a Notice to File Missing Parts mailed 27 February, 2004. The failure to file the Missing Parts on time was the result of a clerical error which caused the Missing Parts to be filed in the

attorney's file rather than mailed to the USPTO. Evidence in support of the claim that the delay was unintentional may be found by examining the Fax transmission date stamp on the Declaration (attached hereto as Exhibit "A") and Power of Attorney (Exhibit "B") of the Missing Parts, which establish that the Missing Parts were prepared in time for timely filing with the USPTO, save for the clerical error.

Additional evidence maybe found at the date of the check intended for submission with the Missing Parts to pay the filing fees. The date of the check is April 4, 2004 (Exhibit "C"). Further evidence that the delay was unintentional is a status check report dated September 17, 2004, which records an online attempt to determine the status of the application Serial No.: 10/716,194 (Exhibit "D") the Patent Office PAIR System. Still further evidence is the Transmittal form PTO/SB/21 (02-04) (Exhibit "E") which was contemporaneously completed for timely submission of the Missing Parts.

Under the belief that the required reply to the Notice to File Missing Parts had, in fact, been filed, the applicant's attorney misunderstood the results of the status check (Exhibit D) to mean that the application documents were being processed, that the application was being assigned to an Examiner, and that an Office Action on the merits would be forthcoming. In the experience of the applicant's attorney, two or even three years is within the range of the time period sometimes required for the issuance of an Office Action on the merits.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINITENTIONALLY UNDER 37 CFR 1.137 (b)

First Named Inventor: Application No.:

John carter 10/716,194 Art Unit: NA Examiner: NA

e: Devices, Systems And Methods For

Devices, Systems And Methods For Selecting the Appearance of A Viewer Displaying Digital Content

Page 2 of 4

The unintentional delay in filing the required reply to the Notice to File

Missing Parts was discovered pursuant to a review of the application file. Upon

discovery of the clerical error, the applicant's attorney promptly telephoned the

Patent Office to determine the Status of the application and immediately prepared

the present petition.

The applicant's attorney respectfully and humbly petitions the Patent Office

not to punish the applicant for the failure of the applicant's attorney by denying this

petition. The applicant complied with all the requirements necessary to perfect the

patent application in a timely and complete manner. The applicant held a good faith

belief that application was "live" and took no action contrary to this belief.

A further consideration to grant this petition is the very real prejudice that

would accrue to the applicant if the petition is denied in view of any public

disclosures that may have occurred in the interim. The loss of the applicant's

priority date from denial of this petition would be an unfair and punitive outcome.

Accordingly, the applicant respectfully prays that the petition be granted and

that the applicant be made whole.

**ISIGNATURE PAGE TO FOLLOW]** 

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINITENTIONALLY UNDER 37 CFR 1.137 (b)

Respectfully submitted,

MATTHEW E. BURR

Registration No.: 37,591 Customer No.: 479000 **MOSTER WYNNE** 

2210 Westlake Drive, Ste 200

Austin, TX 78746 (512) 320-0601

mburr@mosterwynne.com

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINITENTIONALLY UNDER 37 CFR 1.137 (b)

First Named Inventor: Application No.:

John carter

Art Unit: NA

Title:

Examiner: NA 10/716,194

Devices, Systems And Methods For Selecting the Appearance of A Viewer Displaying Digital Content

Page 4 of 4

PTO/S8/01 (08-G3)
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DECLARATION FOR UTILITY OR		11.070
DECLARATION FOR OTHER ON	Eight Named Investor	

### DESIGN PATENT APPLICATION (37 CFR 1.63)

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Declaration Submitted With Initial Filing	OR	V	Declaration Submitted after Initial Filling (surcharge (37 CFR 1.16 (c)) required)

Attorney Docket Number	17670	)		
First Named Inventor	John Certer			
COY	IPLETE IF KNOWN			
Application Number	10/716.194			
Filing Date	11/18/2003			
Art Unit	2673			
Examiner Name				

I hereby declare that:						
Each inventor's residence, ma	iling address, a	nd citizenship are as stated.	below next to	their name.		
I believe the inventor(a) named which a patent is sought on the	<u>e invention enti</u>	tled:				or ———
DEVICES, SYSTEMS AND METHODS FOR SELECTING THE APPEARANCE OF A VIEWER DISPLAYING DIGITAL CONTENT						
		(Title of the Invention	)	· · · · · · · · · · · · · · · · · · ·		
the specification of which						
is attached hereto						
OR						
was filed on (MM/DD/Y	YYY)	11/18/2003 as U	nited States Ap	plication Num	ber or PCT Intern	ational
Application Number US 1	0/716,194	and was amended on (MM	/DD/YYYY)		(if appi	icable).
t hereby state that I have revise amended by any amendment :	wed and under specifically refe	stand the contents of the ab med to above.	ove identified	specification, i	ncluding the claim	18, 85
I acknowledge the duty to discontinuation-in-part application and the national or PCT intern	ns, material info	ormation which became ava	ilable betweer	defined in 37 n the filing det	CFR 1.56, include to of the prior app	ding for dication
I hereby claim foreign priority	benefits unde	r 35 U.S.C. 119(a)-(d) or (	), or 365(b) c	f any foreign	application(s) for	patent,
inventor's or plant breeder's ri country other than the United	States of Amer	ica, listed below and have a	Iso identified b	elow, by chec	king the box, any	foreign
application for patent, inventor before that of the application of	's or plant bree	der's rights certificate(s), or	any PCT inter	national applic	sation having a fili	ng date
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Prio Not Ci		ertified Copy Att Yes	ached? No
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Additional foreign applicat	ion numbers ar	e listed on a supplemental p	riority data sh	eet PTO/SB/0	2B attached heret	<u></u>

[Pege 1 of 2]
This objection of Information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This objection is estimated to take 21 minutes to complete, including getnering, preparing, and submitting the completed application form to the USPTO. Time will very objection fine the individual case. Any comments on the amenun of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 6or 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. 6or 1450, Alexandria, VA 22313-1450.

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## **DECLARATION** — Utility or Design Patent Application

Direct all correspondence to:	Custome	r Number:		OR V	Corresi	oondence address below
Name Matthew Burr						
Address Lake Austin Marina, 2219 Westlake	Drive, Suits 200		· · · ·			
City			State			ZIP
Austin	Austin					78746
Country		Telephone		Fax		
USA		(512) 320-0601		(512) 320-0		<u></u>
I hereby declare that all statem and belief are believed to be statements and the like so mad false statements may jeopardize	true; and fur le are punishal	ther that these s ble by fine or impi	tatements wer isonment, or b	re made with both, under 18	the kno	owiedge that willful false
NAME OF SOLE OR FIRST IN	VENTOR:		A petition has b	een filed for the	nis unsia	ned inventor
Given Name (first and middle [if any])	Given Name Family Name					
inventor's Signature						Date
Residence: City	State (KY)	13	Country	SA	Citize	NS A
Mailing Address  543 Ma	nchac	ea A	pt 1	55		
City AUSTIN	State (	za S	ZIP	7874	S	Country
NAME OF SECOND INVENTO	R:		Па	petition has be	en filed	for this unsigned inventor
Given Name (first and middle [if any])				Family Name or Surname		
Inventor's Signature			· · ·			Date
Residence: City	State		Country		Citize	nship
Mailing Address						
City	State	Water	ZIP		Çoun	try
Additional inventors or a logal re	presentative ere be	ing named on the	cupplemental si	noet(s) PTC/SB/0:	ZA or DŽLŘ	attached nareto.

Declaration

Submitted

With Initial

Ceclaration

Submitted after Initial

Filing (surcharge

PTO/SB/01 (08-03) DB. OMB 0651-0032

11/18/2003

2673

under the Papanyork Roduction Act of 1985, no portions are regisfied.	Li C. Dalest and Tradem	wed for use through 07/31/2008, OMB 6651-063 ark Office; U.S. DEPARTMENT OF COMMERC on unlars it contains a valid OMB control numbe
•	Attorney Docket Number	17670
DECLARATION FOR UTILITY OR DESIGN	First Named Inventor	John Carter
PATENT APPLICATION	CÓ	MPLETE IF KNOWN
(37 CFR 1.63)	Application Number	10/716 194

Filing Date

Art Unit

Filling	(37 CFF required	R 1.16 (c)) d)	Examiner N	ате		ė.	
I hereby declare that:			<del></del>				
Each inventor's residence,	mailing address, a	ınd çitizenship are	as stated be	elow next to	lheir name.		
I believe the inventor(s) nar which a patent is sought on	ned below to be the	ne original and firs	t Inventor(s)	of the subje	ct matter wi	nich is claime	d and for
DEVICES, SYSTEM VIEWER DISPLAYI	S AND METH	HODS FOR S	ELECTIN	IG THE A	PPEAR	ANCE OF	Α
	<del></del>	(Title of the	nvention)				
the specification of which							
is attached hereto							
OR							
was filed on (MM/DE	)/////	11/18/2003	as Unit	ed States Ap	pileation N	umber or PC	T International
Application Number U	S 10/716,194	and was amend	ed on (MM/D	D(YYYY)			(if applicable).
t hereby state that I have re amended by any amendme	viewed and under nt specifically refe	rstand the content erred to above.	s of the abov	ve identified :	specification	n, including th	ne claims, as
I acknowledge the duty to continuation-in-part applica and the national or PCT into	tions, material infe	ormation which be	ecame availa	able betweer	defined in the filing	37 CFR 1.56 data of the p	3, including for rior application
I hereby claim foreign prio inventor's or plant braeder' country other than the Units application for patent, inver- before that of the applicatio	rity benefits unde s rights certificate ed States of Amer tor's or plant bree	r 35 U.S.C. 119( (s), or 365(a) of a ica, listed below a eder's rights certifi	a)-(d) or (f), iny PCT inte ind have also	or 365(b) o rnational app o identified b ny PCT inter	olication whelelow, by charactional ap-	ich designate necking the biplication havi	ed at least one ox, any foreign ing a filing date
Prior Foreign Application Number(s)	Country	Foreign Filin		Prio Not Cla		Certified Co	py Attached? No
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[Page 1 of 2]
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Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.





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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	Custome	er Number:		OR	V	Corresp	ondence address below
Name							
Matthew Burr							
Address Lake Austin Marina, 2219 Westlake	Drive, Suits 200					N	***
City			State				ZIP
Austin			Texas				78746
Country		Telephone		Fax			
USA		(512) 320-0601			320-0		
I hereby declare that all statem and belief are believed to be statements and the like so made false statements may jeopardize	e true; and fur de are punisha	ther that these s ble by fine or imp	itaternents v risonment, o	were made or both, une	a with der 18	the kno	wiedge that willful false
NAME OF SOLE OR FIRST IN	VENTOR:		A petition has			is unsign	ned inventor
Given Name (first and middle [if any])	Sahu	Thow	ia s II	Family or Sum		Ca	nter
inventors				>			Date
Signature							
Residence: City	State	15	Country	SA		Citizer	nship USA
Mailing Address		Λ		ے ہم:			
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NAME OF SECOND INVENTO	R:			A petition I	nas be	en filed f	or this unsigned inventor
Given Name (first and middle [if any])				Family N or Surna		·	
Inventor's Signature	-			•	<u> </u>		Date
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# POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

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Application Number	10/716,194
Filing Date	11/18/2003
First Named Inventor	. John Carter
Title	DEVICES, SYSTEMS AND METHODS F
Art Unit	2673
Examiner Name	
Attorney Docket Number	17570-0

Thereby appoint:								
Practitioners associated	Practitioners associated with the Customer Number:							
OR								
Practitioner(s) named be	ilaw:							
	Name		Registration	Number				
Matthew E. Burr		7	37,59	1				
	s) to prosecute the application identified a		paraet all business	in the United States Patent and				
as my/our attorney(s) or agent( Trademark Office connected th	s) to prosecute the application identified to grewith.	above, and to t	areact at ousiless	in the Onico Otales Fatericalio				
Please recognize or change the	e correspondence address for the above-	identified applic	cation to:					
The address associate	ed with the above-mentioned Customer N	lumber:						
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OR				<u> </u>				
Firm or Individual Name	Moster Wynne							
Address	Lake Austin Marina			· · · · · · · · · · · · · · · · · · ·				
Address	2219 Westlake Drive, Ste 200	1.000	<del>_</del>	19: 100				
City	Austin . *:	State	Texas	Zip   78746				
Country			· · · · · · · · · · · · · · · · · · ·					
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l am the:	•							
Applicant/Inventor.								
Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95)								
	SIGNATURE of Applicant	t or Assignee	of Record					
Name AAA News, Inc., of	Auslin, Texas							
Signature De SIDAT								
Date 4/7/204			Telephone	512-443-1064				
NOTE: Signatures of all the invento tome than one signature is	NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple large it an one signature is required, see below.							
Total of 1	forms are submitted.							
The collection of intermetion is required by 37 CEE 1.31 and 1.33. The intermetion is required to obtain or ratein a benefit by the public which is to file fand by the								

This collection of information is required by 37 GFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 GFR 1.14. This collection is estimated to take 3 minutes to complete including galibrating, proporting, and submitting the completed application form to the USPTO. Time will vary depending upon the indMddupl case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be cent to the Chief Information Officer, U.S. Patent and Tradamark Office, U.S. Department of Commerce, P.O. Sox 1459, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. 3END TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/81 (09-03)

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## and CORRESPONDENCE ADDRESS **INDICATION FORM**

5123200695

Application Number	10/716,194
Filing Date	11/18/2003
First Named Inventor	John Certer
Title	DEVICES, SYSTEMS AND METHODS F
Art Unit	2673
Examiner Name	
Attorney Docket Number	17570-0

I hereby appoint:						
Practitioners associated	with the Customer Number:					
OR	L		·			
Practitioner(s) named below:						
	Name		Registration Number			
Matthew E. Burr		37,691				
		·				
as my/our attorney(s) or agent(s) Trademark Office connected the	e) to prosecute the application identified arewith.	above, and to tr	arsact all business in	n the United States Patent and		
Please recognize or change the correspondence address for the above-identified application to:						
The address associate	ed with the above-mentioned Customer I	Number:				
OR		<del> </del>				
The address associat	ed with Customer Number:					
OR						
Firm or	Moster Wynne					
Individual Name Address						
Address	Leke Austin Marina 2219 Westlako Drive, Ste 200					
City	Austin	State	Texas	Zip   78746		
Country						
Telephone		Fax				
lanthe:						
Applicant/Inventor.						
Assignee of record of Statement under 37 C	the entire interest. See 37 CFR 3.71. FR 3.73(b) Is enclosed. (Form PTO/SB/S	96)				
	SIGNATURE of Applican	t or Assignee	of Record			
Name AAA News, Inc., of			·			
Signature 2	PRSIDAT	_	( #a)b 7			
Date 4/7 100 4	<u> </u>		Telephone	512-443-1004		
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